SEC. 5. REMOVAL OF ABANDONED VESSELS.

(a) PROCEDURES.—

(1) IN GENERAL.—The Secretary, in cooperation with the Commandant of the Coast Guard, may remove a vessel that is abandoned if—

(A) an elected official of a local government has notified the Secretary of the vessel and requested that the Secretary remove the vessel; and

(B) the Secretary has provided notice to the owner or operator—

(i) that if the vessel is not removed it will be removed at the owner or operator's expense; and

(ii) of the penalty under section 4.

(2) FORM OF NOTICE.—The notice to be provided to an owner or operator under paragraph (1)(B) shall be—

(A) if the identity of the owner or operator can be determined, via certified mail; and

(B) if the identity of the owner or operator cannot be determined, via an announcement in a notice to mariners and in an official journal of the county (or other equivalent political subdivision) in which the vessel is located.

(3) LIMITATION ON LIABILITY OF UNITED STATES.—The United States, and any officer or employee of the United States is not liable to an owner or operator for damages resulting from removal of an abandoned vessel under this Act.

(b) LIABILITY OF OWNER OR OPERATOR.—The owner or operator of an abandoned vessel is liable, and an abandoned vessel is liable in rem, for all expenses that the United States incurs in removing the abandoned vessel under this Act.

(c) CONTRACTING OUT.—

(1) SOLICITATION OF BIDS.—The Secretary may, after providing notice under subsection (a)(1), solicit by public advertisement sealed bids for the removal of an abandoned vessel.

(2) CONTRACT.—After solicitation under paragraph (1) the Secretary may award a contract. The contract—

(A) may be subject to the condition that the vessel and all property on the vessel is the property of the vessel removal contractor; and

(B) must require the vessel removal contractor to submit to the Secretary a plan for the removal.

(3) COMMENCEMENT DATE FOR REMOVAL.—Removal of an abandoned vessel may begin 30 days after the Secretary completes the procedures under subsection (a)(1).

SEC. 6. LIABILITY OF VESSEL REMOVAL CONTRACTORS.

A vessel removal contractor and its subcontractor are not liable for damages that result from actions taken or omitted to be taken in the course of removing a vessel under this Act. This section does not apply—

(1) with respect to personal injury or wrongful death; or

(2) if the contractor or subcontractor is grossly negligent or engages in willful misconduct.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal years beginning after September 30, 1996. Such funds shall remain available until expended.

CONFERENCE REPORT ON H.R. 3230, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

SPEECH OF

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1996

Mr. WALKER. Mr. Speaker, the Defense Authorization bill agreed to by conferees is a solid piece of legislation, which represents an honest effort to reach compromise among all parties, and I will vote for final passage. Nevertheless, there is one provision in the bill that concerns me, and which I feel obligated to address. There is a section in the bill entitled, ''Prohibition of Collection and Release of Detailed Satellite Imagery Relating to Israel,'' which, from the time of enactment on, will prohibit the United States Government from licensing American commercial remote sensing companies to collect or disseminate imagery of Israel that is more detailed than imagery that is available from other, non-American commercial sources. This provision contradicts bipartisan efforts by Congress and the executive branch since 1984 to promote commercial remote sensing as a leading sector of the American aerospace industry. Ultimately, I believe this provision is bad for both the United States and Israel.

This provision was offered as an amendment to the Senate defense authorization bill without hearings, debate, or any other public discussion. Originally, it was considerably more restrictive, but conferees were able to address some of my specific concerns. Nevertheless, this prohibition remains unnecessary and counterproductive. It sets back our efforts to reinvigorate the U.S. aerospace industry through commercialization, and contradicts traditional American principles such as open skies and freedom of information.

I believe that the sponsors of this provision are concerned with Israeli national security, which is a concern that I share. Israel has always had a special place in American policy and always will. But, this provision does nothing to improve Israeli security. Aircraft flying in international airspace can already image Israel in greater detail than that licensed by commercial satellites, which the United States Government cannot prevent and which this measure does not address.

In the long run, by forcing United States industry to surrender its advantage to foreign entities, this amendment will take control over the shutters of commercial remote sensing satellites out of the hands of the United States Government and place it in the hands of the French, Russians, Chinese, Indians, Brazilians, and any other number of countries that are working on commercial remote sensing satellites. None of these countries is likely to be as sensitive to Israeli security as we are, but this provision will place more power over imaging Israel in their hands. Consequently, this will undermine Israeli security in the long run.

Some might believe that we should accept this measure as a symbol of the United States commitment to Israeli security. Symbols have a place, but not when they do real harm to our national interests, in this case, our interest in promoting commercial space development and U.S. global leadership. The commercial remote sensing industry is in its infancy; like a newborn, it is highly vulnerable to sudden changes in its environment. The simple fact is that business can't flourish if we keep changing the rules, and this provision changes the rules. There are measures in current law, policy, and regulation that enable the U.S. Government to restrict the operations of U.S. commercial remote sensing satellites if needed for U.S. national security, foreign policy, or international obligations. This provision essentially throws that rational process out the window and provides a predetermined answer. Under such capricious Government action, it will become increasingly difficult, if not impossible, for private American firms to raise investment capital, and so the section threatens the entire industry. That's bad for American aerospace workers, who have suffered enormously under defense cuts in the last few years.

The U.S. Government has gone through the process of considering U.S. and allied security interests when it issued nine licenses to U.S. companies for commercial remote sensing as detailed as one meter. None of those licenses places restrictions on imaging Israel. So, the Government has already been through a rational policymaking process which found no interests were served by prohibitions on imaging Israel. Furthermore, this section of the bill only calls on the Government to place possible restrictions on licenses issued in the future, after it becomes law. It does nothing to retroactively affect the United States companies for whom the Government has already issued licenses, and on which the Government placed no restrictions about imaging Israel.

I fear that this provision will constrain U.S. industry in the future and give its competition a commercial advantage. The Wall Street Journal reported in February that organizations owned by the Israeli Government were going to partner with United States firms to offer commercial remote sensing services similar to those offered by American companies. The trade weekly Space News printed an interview with the head of the Israeli Space Agency on July 29 in which he said that the state of Israel was trying to enter the commercial remote sensing market in partnership with Germany and Ukraine. If we believe the head of the Israeli Space Agency, then the result was be a protected market for Israel at the expense of United States aerospace workers and companies.

In general, this provision demonstrates an inadequate understanding of our contemporary times. It seeks to prohibit the creation and distribution of information, which authoritarian governments have tried and failed to do for decades. The genius of our system, and one reason our economy continues to grow, is that Americans believe in the wide exchange of information. In the Information Age, that gives us natural advantages because information naturally spreads. One builds economic strength and protects national security in the information age by winning technological competitions and staying at the forefront of technological change. This section of the bill seeks to prevent that and takes us in the wrong direction. It is a well-meant, but misplaced effort that I hope we will not repeat in the future.